

AFFIDAVIT

Charles P. Johnson, being duly sworn, deposes and states as follows:

1. Affiant is a Special Agent of the Federal Bureau of Investigation (FBI), and has been so employed for over eight years. Prior to being employed by the FBI, Affiant was a commissioned officer in the United States Army. As a FBI Special Agent, Affiant is currently assigned to the FBI's Cleveland Division, Akron Resident Agency. Affiant's employment has vested him with the authority to investigate violations of federal laws and to execute search warrants issued under the authority of the United States.

2. I submit this affidavit is being made in support of an Application for a criminal complaint and arrest warrant for ALVIN BANKS, aka Butch, a black male having a birth year of 1958, and a Social Security Account Number ending in 1755, who the affiant believes, based on the information cited herein, did violate Title 7, U.S.C. § 2156; Title 21, U.S.C. § 841(a)(1); Title 18, U.S.C. §§ 924(c)(1)(A) and 922(g)(1); and Title 18, U.S.C. § 371.

3. Affiant has personally participated in the investigation set forth below and is familiar with the facts and circumstances of the investigation through personal participation, discussion with other law enforcement officers, and from my review of records and reports relating to this investigation. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, Affiant has not included details of every aspect of the investigation.

4. Affiant is currently investigating an Animal Fighting Venture which was located at 1191 Cordova Avenue, Akron, Ohio, which is located in Summit County, within the Northern District of Ohio. Affiant is further aware that the vehicles being searched were utilized by

individuals attending the Animal Fighting Venture as keys for the vehicles were found on the persons of those who were arrested as part of this investigation.

Statutory Authority

5. This investigation concerns violations of Title 7, U.S.C. § 2156; Title 21, U.S.C. § 841(a)(1); Title 18, U.S.C. § 924(c)(1)(A); and Title 18, U.S.C. § 371:

- (a) Title 7, U.S.C. § 2156 prohibits sponsoring or exhibiting an animal in, attending, ... an animal fighting venture
- (b) Title 21 U.S.C. § 841(a)(1) prohibits...any person knowingly or intentionally to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance.
- (c) Title 18 U.S.C. § 924(c)(1)(A) prohibits any person who during and in relation to any crime of violence or drug trafficking crime ...for which the person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of such crime, possesses a firearm...
- (d) Title 18 U.S.C. § 371 prohibits two or more persons to conspire either to commit any offense against the United States.

Probable Cause

6. Akron Municipal Court Judge Kathryn Michael signed a search warrant on November 14, 2014 for 1191 Cordova Avenue, Akron, Ohio, to obtain evidence of violations of Ohio Revised Code (ORC) Section 959.16, Dog Fighting and/or ORC Section 959.13, Cruelty to Animals. A task force consisting of local and federal authorities, including Affiant, executed the search warrant on November 15, 2014. Upon execution of the warrant, 47 individuals were arrested and eight pit bulls or pit bull mixes were secured. Additionally, a marijuana cultivation operation consisting of 15 plants was located within the residence in an enclosed patio area. At the opposite end of the patio area was a television, under which a loaded .38 caliber revolver and a bag of suspected marijuana was found. The suspected marijuana weighed approximately six grams. In the bedroom where Banks' personal items were found, was a loaded Mossberg

.410 gauge shotgun, with one round in the chamber. The shotgun was found under the bed located next to a plastic jar containing 12 clear baggies containing suspected marijuana. The suspected marijuana weighed more than 52 grams. The suspected marijuana and firearms were possessed in violation of Title 21, U.S.C. § 841(a)(1) and Title 18, U.S.C. § 924(c)(1)(A).

7. Found outside of the residence on the north side of the house between the house and a privacy fence, was a baggie of suspected crack cocaine. The suspected crack cocaine and packaging weighed more than 10 grams.

8. Banks is a convicted felon, stemming from a charge of drug trafficking. Banks prior conviction comes from a prior FBI investigation and conviction within the U.S. District Court, Northern District of Ohio.

9. Located within the garage on the property was a 16x16 foot ring used for an animal fighting venture. Placed below the side boards was carpeting. Outside of the ring the carpet appeared black. Inside the ring, the carpet was brown, stained with large amounts of blood. The sideboards also had large amounts of dried blood and some fresh blood on them at the time of search of the residence. Located on the carpet within the ring were two bloodied "break sticks" used to pry a dog's mouth and teeth off another dog when a fight is finished.

10. Eight dogs were recovered from the property, including two that had fresh wounds and were covered in blood from a fight that had occurred just prior to the execution of the search warrant.

11. Located on the property was a treadmill used to exercise dogs for conditioning, numerous kennels, muzzles, leads and leashes, and weighted collars which are also used to help condition the dogs for fighting.

12. Located in the driveway of the residence was a white Kia Amanti bearing Ohio registration EXX7187. A search of records indicates the vehicle is registered to Banks at 1191 Cordova Avenue, Akron, Ohio. Located within the back seat of the vehicle was a dog shipping/transport crate.

13. At the time of the execution of the search warrant, law enforcement officers arrest 47 individuals who were in attendance at the animal fighting venture. Nine individuals were from states other than Ohio, including Pennsylvania, Michigan, Indiana, North Carolina, and California. In total, more than \$52,600 in U.S. Currency was seized or recovered on November 15, 2014.

14. Also within the curtilage of the property were five other vehicles, all of which had dog shipping/transport crates in them or associated with them. Many of the crates had dogs still in them awaiting fights later in the night. At least one of the crates had documentation attached showing the dog had been shipped in interstate commerce.

Conclusion

15. In consideration of the foregoing, Affiant respectfully requests that this Court find probable cause that ALVIN BANKS, having a birth year of 1958 and a Social Security Account Number ending in 1755, violated Title 7, U.S.C. § 2156; Title 21, U.S.C. § 841(a)(1); Title 18, U.S.C. § 924(c)(1)(A); Title 18, U.S.C. § 922(g)(1) and Title 18, U.S.C. § 371, in that on November 15, 2014 he knowingly sponsored an animal fighting venture, with attendees and dogs coming from across the country; maintained a marijuana cultivation operation; possessed two firearms in close proximity to drugs for distribution despite being a felon; had pre-packaged drugs for distribution; and conspired with others to sponsor and exhibit an animal

fighting venture. All activities and violations took place at 1191 Cordova Avenue, Akron, Ohio, which is located in the Northern District of Ohio, Eastern Division.



Charles P. Johnson
Special Agent
Federal Bureau of investigation
Akron, Ohio

Subscribed and sworn to before me this 25th day of November, 2014.



Kathleen B. Burke
U.S. Magistrate Judge